

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,
v.
MARCELINO RAMOS-LOPEZ,
Defendant

NO. CR-07-0150-LRS-4

**ORDER RE PRETRIAL MOTIONS
AND TRIAL PROCEDURES**

This order is entered to memorialize and supplement the rulings by the Court made on August 6, 2008, at the scheduled pretrial conference.

IT IS HEREBY ORDERED:

1. Defendant Ramos-Lopez's Renewed Motion to Dismiss Case or in the Alternative to Exclude Evidence, **Ct. Rec. 244**, filed on July 25, 2008 in NO. CR-07-0150-LRS-4, is **DENIED**. The Court found that the government's delay in producing the video at issue was not intentional or in bad faith. The Court ultimately found that the degree of prejudice to the defendant was minimal in the context of this case and that dismissal or suppression of the video would not be an appropriate remedy.

2. Defendant Ramos-Lopez's Motion to File Motion Out of Time, **Ct.**
Rec. 247, filed on July 25, 2008 in NO. CR-07-0150-LRS-4, is **GRANTED**.

3. The government's Motion for Extension of Time to File Witness List and Exhibit List, Ct. Rec. 260, filed in NO. CR-07-0150-LRS-4, is GRANTED.

1 4. The **jury trial** for **Counts 1, 2, and 3** remains SET for **August**
2 **19, 2008, at 1:00 p.m.** in **Spokane**, Washington. **Counsel shall meet with**
3 **the Court in Chambers at 12:30 p.m. on the day of trial.** The trial is
4 expected to last 3-4 days. Any motions unaddressed at the pretrial
5 conference shall be heard in open court on the day of trial at 12:30
6 p.m., at which time defendant shall be present.
7

8 5. The following procedures shall be utilized at trial:

9 (a) The Court will conduct the majority of jury voir dire but
10 allow counsel 10-20 minutes to ask additional questions or to do more in
11 depth exploration of issues raised by the Court;

12 (b) A total of 12 jurors plus 2 alternates will be selected.
13 Plaintiff shall have 7 total peremptory challenges; defendant shall have
14 11 total peremptory challenges. The challenges shall be exercised
15 simultaneously unless the Court indicates otherwise.

16 (c) Regular trial hours shall be from 8:30 a.m. to 12:00 noon,
17 and 1:00 - 5:00 p.m.;

18 (d) The jurors will be provided with notebooks for note-taking
19 and a copy of preliminary instructions;

20 (e) Documents published to the jury by counsel shall be
21 collected at the conclusion of trial each day or following a witness's
22 testimony regarding the published document;

23 (f) A single photograph shall be taken of all witnesses
24 following their testimony for use by the jury to correlate a witness with
25 the testimony he or she provided. The photographs shall be maintained

in a three-ring binder by the Court. The photograph will have the witness's name on it and the date of the witness's testimony. The photographs will be provided to the jury to assist them during deliberations. Following deliberations, the photographs will be destroyed by the Court and will not be a part of the record;

(g) Examination of witnesses shall be limited to direct, cross, redirect and recross. Fed. R. Evid. 611(a);

(h) Counsel are encouraged to limit requests for sidebars by anticipating legal and evidentiary issues so that the issues may be addressed before trial begins each day, during the lunch hour, or after trial hours;

(i) During trial, counsel are encouraged to exchange lists of the next day's witnesses and exhibits so that objections or legal issues may be anticipated and resolved outside the normal trial hours; and

(j) Counsel shall have the next witness to be called to testify available to avoid delay.

IT IS SO ORDERED. The District Court Executive is directed to enter this order and to provide copies to all counsel, the U.S. Probation Office, the U.S. Marshal, and the Jury Administrator.

DATED this 12th day of August, 2008.

S/Lonny R. Suko

LONNY R. SUKO
UNITED STATES DISTRICT JUDGE